

**Before an Independent Hearings Panel**

**The Proposed Waikato District Plan (Stage 1)**

**In the Matter** of the Resource Management Act 1991 (**Act**)

**And**

**In the Matter** hearing submissions and further submissions on the  
Proposed Waikato District Plan (Stage 1):  
**Topic 25 – Zone Extents**

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**Rebuttal Evidence of Ian Munro on behalf of Pokeno West Limited (Submitter #  
97)**

**(Urban Design)**

**Dated 3 May 2021**

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## Summary of Rebuttal Evidence

### *Limiting development below RL100*

1. Although only very slightly affecting the Pokeno West Ltd (“**PWL**”) land, I disagree with Ms. Rachel de Lambert<sup>1</sup> (on behalf of Hynds Pipes Systems Ltd and Pokeno Village Holdings Ltd) that restricting residential development so as to be below an elevation of RL100 is a properly justified or relevant outcome in urban design terms. In my opinion it would substantially undermine achievement of the compact settlement approach sought by the National Policy Statement: Urban Development (“**NPS: UD**”), Waikato Regional policy Statement (“**RPS**”) and the Proposed Waikato District Plan (“**PDP**”), which is in my view the resource management outcome to be afforded principal weighting.
2. In my opinion, if the RL100 barrier was a relevant resource management outcome, in urban design / urban form terms, the Council would have included it within the Operative District Plan at the time the 2009 Pokeno Structure Plan was prepared and rolled-into the District Plan through Plan Change 24. The alternative would have been to identify these landforms as an Outstanding Natural Landscape, which I understand neither the ODP or PDP has done or sought to do, respectively.

### *Medium density residential zone, neighbourhood centre and precinct plan*

3. Mr. David Mead (s.42A report on behalf of the Council) recommends that the land be zoned residential without a medium density residential zone, neighbourhood centre, or precinct plan<sup>2</sup>. I disagree with his reasoning and it appears he seeks a de-facto subdivision consent be resolved before the zoning of land can commence. I regard this as not consistent with the standard practice of zoning land and then enabling more detailed outcomes to be tested and evaluated via resource consents.

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<sup>1</sup> Evidence of Rachel Virginia de Lambert, 17 March 2021, paragraphs 5.1 – 5.11.

<sup>2</sup> Evidence of David William Arthur Mead, 14 April 2021, paragraph 233.

4. Although I consider his preference to be less effective and efficient in urban design terms than the more prescriptive outcome I prefer and explained in my primary evidence, I still accept that it is workable given that the residential zone provisions do envisage neighbourhood centres and higher density housing.
5. On this basis, I remain comfortable that Mr. Mead's recommendation would still result in a workable and high-quality outcome, and in the interests of trying to narrow points of disagreement for the Panel where possible, I am content to not contest his recommendation. His approach does have the benefit of allowing PWL to re-think its current master plan, should it wish to, once the dust has settled on the overall PDP process. This might lead it to prefer such outcomes as a re-positioned neighbourhood centre should a superior commercial catchment prove available, and as Mr. Mead has speculated.

### **Introduction**

6. This rebuttal statement relates to evidence in opposition to the Pokeno West Ltd proposal filed by Ms. Rachel de Lambert on behalf of Hynds Pipes Systems Ltd and Pokeno Village Holdings Ltd, dated 17 March 2021.
7. This rebuttal statement also addresses matters raised in the Council's section 42A report prepared by Mr. David Mead, dated 14 April 2021.
8. I confirm that I have the qualifications and expertise previously set out in paragraphs 2.2 and 2.3 of my primary evidence.
9. I repeat the confirmation given in my primary evidence that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014 and that my evidence has been prepared in accordance with that Code.

### **Issues to be rebutted**

10. Having read and considered the evidence of Ms. de Lambert and the s.42A report of Mr. Mead, the following issues will be rebutted:

- a. that development should be restricted so as to remain below RL100; and
- b. that the land should be re-zoned to residential but should not include a defined area of medium density residential zone, a neighbourhood centre, or a precinct plan to guide subsequent development.

11. I will address each of these issues in turn below.

**Restricting development to below RL100**

12. Ms. de Lambert, at her paragraphs 5.1 – 5.11 has set out the history of the Pokeno Structure Plan’s RL100 development limitation and her preference for its retention.

13. I disagree with Ms. de Lambert that this is a relevant or appropriate method, although my disagreement is for urban design reasons and I note in fairness to her that she has provided landscape architecture reasons in support of her preference.

14. Although Ms. de Lambert’s Figure 4 is an indicative representation of the RL100 contour, it is clear that even with a margin of error applied, it has a minimal real-world impact on the PWL land that I have assessed in my primary evidence and I cannot see it affecting more than a handful of future residential dwellings.

15. However, for completeness, my key reasons for disagreeing with Ms. de Lambert are:

- a. In her evidence Ms. de Lambert has not made any reference to the planning outcomes sought by the NPS: UD, RPS or PDP relating to urban growth, or how her RL100 preference relates to those. In my opinion it does not.
- b. As an urban designer, I have read the NPS: UD as recognising that land capable of accommodating development outcomes that promote

sustainability and efficiency is a scarce resource. In my experience I have frequently encountered an approach to development planning that I would describe as a “constraint sieving” exercise. That is to say, each technical and other point of view successively carves out from the land the specific non-development areas they prefer (sometimes expressed as layered plans or maps), and the accumulated ‘left over’ of this exercise is then just accepted, as a fait-accomplis, as all that is acceptable for development to occur on. When I was trained, a rule of thumb for development vs. non-development land was 70:30. After approximately my first 10-years of practice this had reduced to at-best 60:40 in my real-world projects. Today, I am working on several projects that are struggling to do better than 55:45, and in some cases less than 50% of land is ultimately made available for actual development (on large-scale, 1,000+-dwelling projects). This inevitably means that more land is required to accommodate the same total yield. I read the NPS: UD as requiring preferences to set land aside from development, which will in some cases prove to be properly justified, to be thoroughly tested in terms of the long-term urban form consequences it will result in. In my very respectful opinion, development constraints based on existing visual amenity preferences are typically the hardest to justify in this light.

- c. When the RL100 boundary was identified in 2008, it was part of a cohesive growth management position that acted as a green-belt around the outside of the land that had been identified as necessary for growth, and in that respect did not compete with it. It is not certain from this history that support for that limit would have been as forthcoming if it had come at the expense of development able to be close to and form a part of Pokeno.
- d. If the RL100 limit was relevant in resource management terms, it would have been carried over by the Council from the Pokeno Structure Plan into the District Plan, when Plan Change 24 occurred. That it did not is in my opinion indicative that it was not then regarded as a relevant resource management method. In light of the change in statutory

context that has occurred since 2009, I consider it is, if anything, less relevant today than it might have been in 2009.

- e. In terms of the current growth situation, based on Waikato 2070, the RL100 contour fundamentally places a ‘choker’ around Pokeno that would sever and disconnect further growth from it in ways that would be highly disruptive in social and economic terms.

16. I am familiar with a number of very charming, small-scale towns that have over time grown into larger and more-suburban type urban forms. In all of these, an original and visually self-contained focal point begins to stretch out across adjacent land. Often, hills that formed a ‘bowl’ around the original town, have come to be developed almost always by way of residential subdivisions for detached dwellings. Many existing residents in such circumstances see such growth patterns and character changes as very adverse. This is occurring already in Pokeno. Other examples that come to my mind are in Wanaka (Queenstown Lakes), and Mangawhai (by way of Mangawhai Heads) (Kaipara District). Warkworth (Auckland) is also an excellent comparator including how the hills surrounding that town’s original flat ‘bowl’ have and are continuing to be developed<sup>3</sup>. The RPS and PDP do not seek to retain the scale and extent of these small existing settlements in the District by way of requiring urban limits around them, with growth then directed to new or stand-alone settlements (which is what I consider would be required to facilitate retention of the de-facto green belt represented by the RL100 contour as a plan method). They expressly direct expansion and consolidation to occur around those towns.

17. I disagree with Ms. de Lambert that ‘capping’ Pokeno at the RL100 contour and then pushing all future growth to the eastern side of State Highway 1 is desirable or appropriate in urban design terms. In my opinion it would result, over time, in creation of a second and separate settlement that would not

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<sup>3</sup> Most recently by way of approved Private Plan Change 40, allowing for development of the hill on the north-side of Warkworth.

relate to Pokeno (and eventually become larger than it). I see this as contrary to what is sought by the RPS and PDP.

18. For the above reasons, I consider that the RL100 imposition has not been adequately substantiated as relevant or necessary. Although it would have a minimal impact on the PWL land I have considered, I regard it as problematic for Pokeno going forwards and in light of the RPS and PDP planning frameworks that apply.

#### **Medium density residential zone, neighbourhood centre, and precinct plan**

19. At his paragraph 233, Mr. Mead summarises his support of the outcomes identified in my evidence for PWL, but provides reasons why he prefers a standard residential zone to be put in place. He states that *"...the location and extent of these areas is based on a concept masterplan, and at this stage, without finalised transport, open space, stormwater and infrastructure plans in place this zoning may constrain and possibly inhibit the most appropriate layout for the site. There are also wider implications of the interactions with various other sites (subject to other rezoning requests) that need to be considered. For example, in the next section of this report I have recommended that land to the east be rezoned to Residential. It may be that in this context, a Neighbourhood Centre that can serve both new neighbourhoods (as well as the existing Helenslee block) is a better outcome."*
20. It is not in my opinion in line with standard industry practice for a de-facto subdivision consent to be agreed prior to land re-zoning being able to occur. While master plans are now very common to assist green field land zoning, these are always indicative and changes occur over time when properly detailed investigations occur at the time of resource consent. For example, future open spaces are only ever determined at the time of subdivision based on such factors as:
  - a. stream surveys and whether full Esplanade Reserves or narrower riparian strips are required;

- b. if full Esplanade Reserves are required, whether there is a good reason to seek to not provide a 20m width (by way of either less or more), including the Council's preferences at that time;
  - c. detailed stormwater analysis and evaluation of alternatives based on degrees of landform modification and different technical methods preferred by the Council at that time (such as rain gardens or ponds, which tend to fall in or out of favour within Council engineering teams over time);
  - d. whether permanent, intermittent or ephemeral streams are to be retained or removed, and the ecological costs and offsets required in this regard; or
  - e. Council preferences in the location and extent of any future drainage or recreational reserves.
21. The resource consent process also typically 'sweeps up' the rough-edges that higher-level and more strategically-focused plan change exercises result in, which commonly result in such things as zone boundaries proving to be +/- 20m either side of what may subsequently be seen as the optimal location (bearing in mind that the logic for most zone boundaries is nothing more than the happenstance configuration of historic title boundaries). In my opinion this is a result of the hierarchical way that the RMA envisages land development to occur in, from high-level then down to development-specific.
22. Recognising this, my anticipation is that the proposed zones and Precinct Plan identified for PWL's land would be fine-tuned through the resource consent process, in exactly the same way that Mr. Mead envisages will occur without such detail indicated on the Planning Maps. The method I prefer would simply send a clearer signal towards what it is that should be aimed for.
23. However, and notwithstanding my disagreement with Mr. Mead's reasons, I do agree that the outcome sought by Mr. Mead would still enable a high-quality outcome including a neighbourhood centre and higher density housing adjacent to that. I also recognise that his approach does provide greater flexibility to PWL and would allow it, should it choose to, to reconsider its



master plan once the PDP process has concluded and a full picture of land re-zoning is understood. This could conceivably lead to PWL electing to reconsider the location and/or extent of neighbourhood centre or higher-density housing it wishes to promote based on that. I accept that this could be described as a benefit of Mr. Mead's preference.

24. In light of the above and in the interests of looking to assist the Panel by narrowing points of difference where possible, I acknowledge that Mr. Mead's recommendation would be appropriate and workable in urban design terms, and I do not contest it.

### **Conclusions**

25. For the above reasons, and in urban design terms, I remain of the opinions and hold the conclusions expressed in my primary evidence. As it relates to the s.42A report prepared by Mr. Mead and the evidence of Ms. de Lambert on behalf of Hynds Pipes Systems Ltd and Pokeno Village Holdings Ltd:

- a. I agree with Mr. Mead that the PWL proposal should be re-zoned.
- b. I disagree that it is relevant or appropriate to restrict development so as to be below RL100m.
- c. I disagree with Mr. Mead's reasons for not supporting a medium density residential zone, neighbourhood centre, and precinct plan. But I do agree that a workable and high-quality outcome is still possible without these. I also recognise the potential benefit for PWL that could occur by not having additional prescription on its land once the PDP process has been completed and if it elected to reconsider its current master plan work and location of both higher density housing and a neighbourhood centre. Although it is not my preference, I do agree that Mr. Mead's recommendation is an appropriate outcome.

**Ian Colin Munro**

3 May 2021